

PLAINTIFFS' RESPONSE TO DEFENDANT FAST'S
MOTION FOR SUMMARY JUDGMENT

EXHIBIT 4

Meeting Minutes

Organization: DTMB/UIA
Project: MiDAS
Document: Nonmonetary Adjudication Requirements
Original Date & Location: October 31, 2012, 1:00p
Attendees: Hoffman, David; Easton, Sue; James, Debbie; Spicer, Suzanne; Burton, Bronwyn; Musyk, Panko; Lambert, Carol; George, Liby; Skowron, Mike; Atkins, Penny; Karos, Linda; Gragg, Jeremy; Pastor, Jakob; Tuvell, Jennifer
Regrets:
Author: Jon Eads
Amended Date:

AGENDA:

- Functional Items (To be discussed later in the meeting, if time permits)
 1. Determine which questions are REQUIRED for employers, claimants and staff and which questions are KEY questions. Key questions are defined as any question that is necessary in determining a system-recommended decision.

We'll begin with the SNAP questions that were provided. Please review the "Fact Finding Questions" tab on the Issues Master.xlsx spread sheet located here:

<http://inside.michigan.gov/sites/dtmb/uia/UIAIS%20Project/Forms/AllItems.aspx?RootFolder=%2Fsites%2Fdtmb%2Fuia%2FUIAIS%20Project%2FUIA%2DIS%20Project%20Folder%2F4%2E%20Development%20%2D%20Benefits%2FNonmonetary%2FIssues>

Bring any corrections/updates to the meeting.

Requirements to Address

Non-Monetary Determination	1	The system must allow staff to open non-monetary issues independent of the claims filing and certification processes.
Non-Monetary Determination	5	The system must be able to collect information related to the non-monetary issue. Information includes: issue identification date, SSN, employer (employer attached issues), separating circumstances, separation date, etc.
Non-Monetary Determination	6	The system must be able to automatically generate fact-finding questionnaire(s) to claimants/employers for issues opened independent of the claims filing or certification processes, with questions specific to the issue that was created.
Non-Monetary Determination	7	The system must be able to automatically generate a fact-finding questionnaire(s) to claimants for issues opened as part of the claims filing or certification processes, with questions specific to the issue that was created.
Non-Monetary Determination	9	They system must be able to automatically generate supplemental forms in relation to a non-monetary issue for selected fact-finding codes.

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Non-Monetary Determination	10	They system must allow staff to customize fact-finding questions and generate an additional fact-finding questionnaire.
Non-Monetary Determination	11	The system must be able to automatically set and track the adjudication level for newly opened issues. Levels include determination, redetermination, appeals and board of review.
Non-Monetary Determination	12	The system must be able to automatically maintain the status of a non-monetary issue. (i.e. opened, closed and deleted.)
Non-Monetary Determination	13	The system must be able to automatically determine when an issue is ready for adjudication (i.e. all parties attached to the issue have responded or have been given an appropriate amount of time to respond to fact-finding questionnaires).
Non-Monetary Determination	14	The system must be able to automatically adjudicate all issue types without staff intervention (system auto-adjudication).
Non-Monetary Determination	15	The system must be able to automatically issue a non-monetary determination based on existing information when all or one party has not responded to the fact-finding questionnaires.
Non-Monetary Determination	17	The system must allow staff to respond to pre-defined questions to record statement of facts attached to the non-monetary issue.
Non-Monetary Determination	18	The system must allow staff to enter and attach rebuttal/follow-up responses to the non-monetary issue.

Non-Monetary 1 – These are just manually added Issue Cases

Non-Monetary 5 – Data Fields:

- Issue Identification Date – *Can be captured as a separate field on the Issue Case if needed and can be changed by staff. Default to the date the case was created*
- Action Date – *Would this just be the date the actual case was created in MiDAS?*
- SSN – *This is the Primary Id for Claimants and since cases are associated to claimants a separate data fields shouldn't be needed.*
- Involved Employer(s) – Which issue types would involve multiple employers?
- Issue Type
- Issue Subtype
- Circumstances (Relative to Fact Finding) – *How is this determined?*
- Claim Program Type – *This is an account attribute. Any specific need or reason to store on the Issue Case?*
- Separation Date

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- Benefit Year
- Ineligibility Start Date – *How and when is this date determined?*
- Ineligibility End Date (late Filing, late Reporting) – *How and when is this date determined?*

Non-Monetary 6 – These are manually added Issue Cases. The Issue Type and SubType that are selected will dynamically provide the appropriate set of fact-finding questions on the Issue Case which will ultimately be sent out to the claimant or employer (by mail or through MiWAM). **Demonstrated in 10-29 Meeting.**

Non-Monetary 7 – When using MiWAM, the Fact-Finding will be displayed immediately to the claimant or employer when they are filing a claim or certifying. Otherwise, fact-finding can be mailed out to the employer once the issue is created in MiDAS.

Non-Monetary 9 – Examples:

- Preservation of Benefit Entitlement Issues
 1. Specific Medical Form is mailed
 2. What are the specific FF Codes?
- Ability Issues
 1. FF Code – 0300
- Availability Issues with a Circumstance of Available Work
 1. What are the specific FF Codes? All of 0331 through 0339?
 2. Notice of Available Work form is mailed
- Self-Employed individuals
 1. Profit and Loss Form is mailed from non-mon issue case?

Non-Monetary 10 – Originally discussed in 10-02-2012 meeting. Demonstration will provide proposed solution. **Demonstrated in 10-29 Meeting.**

Non-Monetary 11 – The existing case stages should be enough to track the adjudication level since specific stages determine the level of adjudication. Another proposed solution is to track the level of the adjudication using Case Statuses.

Non-Monetary 12 – Each Case Stage can have a different a unique status associated with it. Newly created cases will be displayed as "Open". Discarded cases will display as "Discarded" as opposed to "Deleted". Other statuses may set based on to Level 1, 2, 3 or 4 based on discussion of Requirement 11, above.

Non-Monetary 13 – Claimants and/or employers are given 10 days to respond to Fact Finding. Based on when FF is issued?

Non-Monetary 14 – The assumption here is that EVERY issue type that could be created could be auto-adjudicated, without staff intervention, given that all necessary responses to FF questions are present. Are there any exceptions?

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Non-Monetary 15 – Is the assumption here that this should require no staff intervention (i.e. system auto-adjudicates the decision and sends out the determination)? Would this not depend on the issue and who has the burden of proof?

Non-Monetary 17 – Is this just referring to our pre-defined fact-finding questions? Does the "Adjudication" tab along with the Rebuttal statements take care of this requirement?

Non-Monetary 18 – Rebuttal statements may be entered into the "Adjudication" tab as discussed in the **10-29 Meeting**.

MINUTES:

Requirement	Definition	Discussion
Benefits, Non-Monetary Determination, 1	The system must allow staff to open non-monetary issues independent of the claims filing and certification processes.	Resolved: Issues can be manually added by staff.
Benefits, Non-Monetary Determination, 5	The system must be able to collect information related to the non-monetary issue. Information includes: issue identification date, SSN, employer (employer attached issues), separating circumstances, separation date, etc.	<p>Resolved: Information related to non-monetary issues can be captured in fields on the case. Whenever possible, we will won't add fields that are already being captured elsewhere in MiDAS such as SSN and Claim Program type as these are inherently associated to the Issue Case.</p> <p><u>Issue Identification Date</u> – When the issue was discovered. For claims, it's the date the claim was created. For certs, it's the date the cert was received.</p> <p><u>Action Date</u> – Needs to be captured in several places including: New FF Generated, Additional Question(s) are added, Phone calls are placed, Date a Decision is made on a non-mon issue, Protest</p>

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Requirement	Definition	Discussion
		<i>Dates for MCAC, Decisions from ALJ or MCAC.</i>
Benefits, Non-Monetary Determination, 6	The system must be able to automatically generate fact-finding questionnaire(s) to claimants/employers for issues opened independent of the claims filing or certification processes, with questions specific to the issue that was created.	Resolved: These are manually added Issue Cases. The Issue Type and SubType that are selected will dynamically provide the appropriate set of fact-finding questions on the Issue Case which will ultimately be sent out to the claimant or employer (by mail or through MiWAM).
Benefits, Non-Monetary Determination, 7	The system must be able to automatically generate a fact-finding questionnaire(s) to claimants for issues opened as part of the claims filing or certification processes, with questions specific to the issue that was created when the claimant fails to answer the questions, during the claims filing/certification process.	Resolved: When using MiWAM, the Fact-Finding will be displayed immediately to the claimant or employer when they are filing a claim or certifying. Otherwise, fact-finding can be mailed out to the employer once the issue is created in MiDAS.
Benefits, Non-Monetary Determination, 9	The system must be able to automatically generate supplemental forms in relation to a non-monetary issue for selected fact-finding codes.	Began Discussion: Supplemental forms will be configured as letters. Further discussion to determine at which stage the forms are mailed out.
Benefits, Non-Monetary Determination, 10	The system must allow staff to customize fact-finding questions and generate an additional fact-finding questionnaire.	Resolved: Staff will have the ability to create their own fact-finding questions on the Case Document as demonstrated in the 10-29 meeting. Additional canned questions can also be made available.

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Requirement	Definition	Discussion
		Note: As discussed in previous meetings, changes to existing pre-defined fact-finding questions will be handled through standard development and testing before moving to the production environment.
Benefits, Non-Monetary Determination, 11	The system must be able to automatically set and track the adjudication level for newly opened issues. Levels include determination, redetermination, appeals and board of review.	Resolved: The adjudication level (Level 1, Level 2, Level 3, Level 4) will be configured as case statuses.
Benefits, Non-Monetary Determination, 12	The system must be able to automatically maintain the status of a non-monetary issue. (i.e. opened, closed and deleted.)	Resolved: These are configured as Case Statuses. New case will have a status of "Open". Closed cases will have a status of "Closed". Discarded cases will have a status of "Discarded".
Benefits, Non-Monetary Determination, 13	The system must be able to automatically determine when an issue is ready for adjudication (i.e. all parties attached to the issue have responded or have been given an appropriate amount of time to respond to fact-finding questionnaires).	Resolved: Various Action Dates will be used to drive when an issue is ready for adjudication. Reasonable attempt must be given to the claimant and/or employer for a response to FF questions before an issue can be adjudicated.
Benefits, Non-Monetary Determination, 14	The system must be able to automatically adjudicate all issue types without staff intervention (system auto-adjudication).	Resolved: MiDAS will be configured to auto-adjudicate any issue whenever possible based on pre-defined logic trees.
Benefits, Non-Monetary Determination, 15	The system must be able to automatically issue a non-monetary	Resolved: Based on the issue, if no response is received after the 14-day

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Requirement	Definition	Discussion
	determination based on existing information when all or one party has not responded to the fact-finding questionnaires.	period of Good Cause, then MiDAS can auto-adjudicate the issue.
Benefits, Non-Monetary Determination, 17	The system must allow staff to respond to pre-defined questions to record statement of facts attached to the non-monetary issue.	Began Discussion: See "Non-Mon, Additional Information" below.
Benefits, Non-Monetary Determination, 18	The system must allow staff to enter and attach rebuttal/follow-up responses to the non-monetary issue.	Resolved: The rebuttal statements can be entered into fields within the adjudication tab on the issue case doc.

Non-Mon, 17 Additional Information (gathered from Sue after our meeting):

Online responses from a claimant or employer must be recorded with the claimant or employer as the source. If the questions are answered by paper (FileNet), staff must data enter the claimant or employer responses into the system for the logic to make the determination. The system must capture the source of these responses as staff. Staff must not be allowed to change a claimant or employer response.

If a party does not complete the questions and staff makes an additional attempt to get the response (this is required for quality by BTQ), the fact finding could have the claimant or employer as the source for some questions and staff as the source for other questions. The fact finding must be separated into 2 separate sets of fact finding since the date of the responses (action or activity date) will be different.

In addition, there must be a separate staff response data entry to be used when the responses from the claimant and employer do not lead to a clear determination. The source of these will always be staff.

Non-Mon, 1 Additional Information :

Issues cannot be opened when a denied monetary determination exists for the BYB and program that the issue pertains to. Issues can be opened when the monetary determination is allowed or pending. If the pending monet is later denied, the issue must be discarded. An issue cannot be adjudicated on a pending monet.

It will be up to the monetary team to determine whether or not to create an issue based on the status of the monetary. The system can also be configured to prevent manually added issues from being opened for a particular BYB and Program if the Monetary is denied.

A nightly scan job can be run to automatically Discard any Denied MonDets that were previously Pending. In addition, either document rules or staging criteria could be used to prevent adjudicating a Pending MonDet

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Non-Mon, 6 Additional Information :

Fact finding can be generated to other interested parties, such as unions or attorneys. Sometimes the employer is an out-of-state employer and does not have a MI account number. For manual or system generated fact finding, we need the ability to send fact finding to other parties. Currently the agency can send out fact finding to any address. The fact finding could be pre-defined or free-basis and is normally in addition to the fact finding generated to the claimant and employer.

Our intention is to have a separate address type for interested parties. Addresses can be overridden to send out correspondence to the appropriate parties.

Non-Mon, 9 Additional Information :1. Preservation of Benefit Entitlement Issues (FF Code 0620)

- a. Whenever an issue is created for Preservation of Credit Weeks/Benefit Entitlement, form 1915-Physicians Statement will be automatically generated and sent to the claimant. These issues are initiated by a claimant sending in a letter stating that they want to preserve their benefits. Once the form is mailed out, the claimant has 90 days to respond in order to become eligible.
- b. This form will be mailed out automatically whenever the case is created.

2. Ability Issues (FF Code 0300).

- a. Whenever an ability issue is created and the claimant answers "Yes" to the following questions, then form 1742 – Medical Statement is sent to the employer in order to gather additional information regarding their ability to work.

Q. During your illness, injury or work restrictions were you able to perform any full time work for which you have prior experience and/or training?

Q. Are you still unable to work?

- b. A scan job could be written to evaluate Ability Issues to determine if the form should be mailed out based on the responses to the FF questions above.

3. Availability Issues (FF Code 0300).

- a. Form 1323 – Verification of Availability To Employers is sent to the claimant whenever the employer notifies the agency that they have work available for the claimant. The claimant takes this form directly to the employer to be filled out.
- b. Form 1324 – Verification of Contact Information, is sent to the claimant whenever the employer cannot contact the claimant. The claimant take the form to the employer and have them complete the reverse side. If the form is not received within 10 days the claimant is automatically ineligible for benefits.

4. Self-Employed Individuals

- a. Based on the claimants response to certification questions regarding additional earned income, a profit and loss statement may be sent to them. This could reveal that the claimant is indeed unavailable for full time work if they note that they are working full time as a self-employed individual. This could result in an Availability Issue being created.

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Non-Mon, 12 Additional Information :

We discussed auto-staging. Part of the automatic staging is auto-discard. The following circumstances would result in an auto-discard:

1. Issue is opened that is later found to be invalid because the
 - a. MonDet is denied
 - b. Separation reason changes to "Lack of Work" and the employer protest is withdrawn

The action of auto-discarding can be handled through a nightly scan job using well-defined criteria.

Non-Mon, 15 Additional Information :

Also depends on the type of fact finding. Rebuttal has a 2 business day time limit. See the Reasonable Attempt document that outlines the 1st and 2nd attempt criteria for the claimant or employer depending on the method of contact.

BUSINESS IMPACT:

- None, else impact

ACTIONS

#	Original Date	Who	Action Description	Status
1	10-31	BA's	Provide a list of the standard canned questions that could be included as additional FF questions.	Waiting
2	10-31	Jon	Configure a proposed solution for Non-Mon, 17	In Progress

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Organization: DTMB/UIA

Project: MIDAS

Document: Non-Monetary Issues Out Standing Functional Requirements... Part III

Original Date & Location: December 7, 2012; 1:00pm

Location: Lions Room

Attendees: Hoffman, David; George, Lambert; Carol; Pastor, Jakob; Spicer, Suzanne; James, Deborah; Karos, Linda; Atkinson, Tracie; Skowron, Mike; Gragg, Jeremy; Eads, Jon; Burton, Bronwyn; Easton, Sue; Musyk, Panko

Regrets:

Author: David Hoffman

Amended Date:

AGENDA:

- Functional Requirements related to multiple same day Non-Mon determinations for a single claimant
 1. Single notice
 2. Overview or summary statement
- Non-Monetary Adjustment Types
 1. Pension Deduction
 2. Denial Period
 3. Reduction of Weeks on the Monetary
 4. Establish Amount of Rework
 5. Establish Number of Weeks of Requalification
 6. Mark a Claimant as Ineligible
 7. Establish Period of No Benefit Entitlement
 8. Charge to the Non-Chargeable Benefit Account (NBA)
 9. Transfer Charges
 10. Change Number of Dependents
- Multi-claimant Issues

MINUTES:

- Functional Requirements related to multiple same day Non-Mon determinations for a single claimant
 1. Single notice vs. multiple notices
 - This requirement needs further discussion
 - The point of contention relates to the benefit of automation with determinations that contain separate Letter Ids.
 - Most claimants do not currently include the determination notice in the protest
 2. Overview or summary statement
 - This requirement will be submitted to be waived.
- Non-Monetary Adjustment Types
 1. Pension Deduction
 2. Denial Period

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3. Establish Amount of Rework
4. Establish Number of Weeks of Requalification
 - Reduction of Weeks on the Monetary
5. Totally Ineligible
6. Partially Ineligible
 - Employer
 - Earnings
 - No entitlement
- Non-Monetary Adjustment Types for further discussion
 1. Establish Period of No Benefit Entitlement
 2. Charge to the Non-Chargeable Benefit Account (NBA)
 3. Transfer Charges
 4. Change Number of Dependents
- Multi-claimant Issues
 1. Discussion will occur in another meeting

Requirements:

Requirement	Definition	Discussion
Benefits, Non-Monetary, 25	The system must be able to automatically generate a single notice with multiple non-monetary determinations contained within the notice.	Additional Discussion Required: Option 1 multiple letters that would be enclosed in a single envelope. Option 2 multiple letters that would be enclosed in a single envelope containing a summary cover letter. Option 3 a single letter with combined wording for each determination.
Benefits, Non-Monetary, 26	The system must be able to automatically produce an overall results statement when there are multiple non-monetary determinations generated for a claimant.	This issue will be submitted to be waived.

BUSINESS IMPACT:

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ACTIONS

#	Original Date	Who	Action Description	Status
1	12/7/2012	Debbi James	Research TRA's effect on the and reduction of weeks to the monetary.	In Progress